

JS 44C/SDNY
REV. 06/01/17

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
David BargerDEFENDANTS
3M Company and Arizant Healthcare Inc.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Daniel C. Burke, Esq., Bernstein Liebhard LLP
10 East 40th Street, NY, NY 10016
212-779-1414

ATTORNEYS (IF KNOWN)
Timothy J. McHugh, Esq., Lavin, Cedrone, Graver, Boyd & DiSipio
420 Lexington Avenue, Suite 335, NY, NY 10170
212-319-6898

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. 1332 personal injury/products liability

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

Is THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 367 HEALTHCARE/	<input type="checkbox"/> 625 DRUG RELATED	<input type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 375 FALSE CLAIMS
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	SEIZURE OF PROPERTY	28 USC 158	<input type="checkbox"/> 376 QUI TAM
<input type="checkbox"/> 130 MILLER ACT	LIABILITY	<input checked="" type="checkbox"/> 365 PERSONAL INJURY	21 USC 881	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 400 STATE
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	<input type="checkbox"/> 690 OTHER	28 USC 157	REAPPORTIONMENT
INSTRUMENT	SLANDER	<input type="checkbox"/> 368 ASBESTOS PERSONAL	PROPERTY RIGHTS		<input type="checkbox"/> 410 ANTITRUST
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	INJURY PRODUCT	<input type="checkbox"/> 820 COPYRIGHTS		<input type="checkbox"/> 430 BANKS & BANKING
OVERPAYMENT &	EMPLOYERS'	LIABILITY	<input type="checkbox"/> 830 PATENT		<input type="checkbox"/> 450 COMMERCE
ENFORCEMENT	LIABILITY	PERSONAL PROPERTY	<input type="checkbox"/> 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		<input type="checkbox"/> 460 DEPORTATION
OF JUDGMENT	<input type="checkbox"/> 340 MARINE	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 840 TRADEMARK		<input type="checkbox"/> 470 RACKETEER INFLU-
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> 371 TRUTH IN LENDING			ENCED & CORRUPT
<input type="checkbox"/> 152 RECOVERY OF	LIABILITY				ORGANIZATION ACT
DEFAULTED	<input type="checkbox"/> 350 MOTOR VEHICLE				(RICO)
STUDENT LOANS	<input type="checkbox"/> 355 MOTOR VEHICLE				<input type="checkbox"/> 480 CONSUMER CREDIT
(EXCL VETERANS)	PRODUCT LIABILITY				<input type="checkbox"/> 490 CABLE/SATELLITE TV
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> 360 OTHER PERSONAL	<input type="checkbox"/> 380 OTHER PERSONAL	LABOR	SOCIAL SECURITY	
OVERPAYMENT	INJURY	PROPERTY DAMAGE	<input type="checkbox"/> 710 FAIR LABOR	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 850 SECURITIES/
OF VETERANS'	<input type="checkbox"/> 382 PERSONAL INJURY -	<input type="checkbox"/> 385 PROPERTY DAMAGE	STANDARDS ACT	<input type="checkbox"/> 862 BLACK LUNG (923)	COMMODITIES/
BENEFITS	MED MALPRACTICE	PRODUCT LIABILITY	<input type="checkbox"/> 720 LABOR/MGMT	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	EXCHANGE
<input type="checkbox"/> 160 STOCKHOLDERS			RELATIONS	<input type="checkbox"/> 864 SSID TITLE XVI	
SUITS			<input type="checkbox"/> 751 FAMILY MEDICAL	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 OTHER STATUTORY
<input type="checkbox"/> 190 OTHER	ACTIONS UNDER STATUTES	PRISONER PETITIONS	<input type="checkbox"/> 740 RAILWAY LABOR ACT		ACTIONS
CONTRACT	CIVIL RIGHTS	<input type="checkbox"/> 463 ALIEN DETAINEE	LEAVE ACT (FMLA)	FEDERAL TAX SUITS	<input type="checkbox"/> 891 AGRICULTURAL ACTS
<input type="checkbox"/> 195 CONTRACT	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS	<input type="checkbox"/> 510 MOTIONS TO	<input type="checkbox"/> 790 OTHER LABOR	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or	<input type="checkbox"/> 893 ENVIRONMENTAL
PRODUCT	(Non-Prisoner)	VACATE SENTENCE	LITIGATION	Defendant)	MATTERS
<input type="checkbox"/> 196 FRANCHISE		28 USC 2255	<input type="checkbox"/> 791 EMPL RET INC	<input type="checkbox"/> 871 IRS-THIRD PARTY	<input type="checkbox"/> 895 FREEDOM OF
LIABILITY		<input type="checkbox"/> 530 HABEAS CORPUS	SECURITY ACT (ERISA)	26 USC 7609	INFORMATION ACT
		<input type="checkbox"/> 535 DEATH PENALTY			<input type="checkbox"/> 896 ARBITRATION
		<input type="checkbox"/> 540 MANDAMUS & OTHER	IMMIGRATION		<input type="checkbox"/> 899 ADMINISTRATIVE
REAL PROPERTY	<input type="checkbox"/> 441 VOTING		<input type="checkbox"/> 462 NATURALIZATION		PROCEDURE ACT/REVIEW OR
<input type="checkbox"/> 210 LAND	<input type="checkbox"/> 442 EMPLOYMENT	PRISONER CIVIL RIGHTS	APPLICATION		APPEAL OF AGENCY DECISION
CONDEMNATION	<input type="checkbox"/> 443 HOUSING/	<input type="checkbox"/> 550 CIVIL RIGHTS	<input type="checkbox"/> 465 OTHER IMMIGRATION		
<input type="checkbox"/> 220 FORECLOSURE	ACCOMMODATIONS	<input type="checkbox"/> 555 PRISON CONDITION	ACTIONS		<input type="checkbox"/> 950 CONSTITUTIONALITY OF
<input type="checkbox"/> 230 RENT LEASE &	<input type="checkbox"/> 445 AMERICANS WITH	<input type="checkbox"/> 560 CIVIL DETAINEE			STATE STATUTES
EJECTMENT	DISABILITIES -	CONDITIONS OF CONFINEMENT			
<input type="checkbox"/> 240 TORTS TO LAND	EMPLOYMENT				
<input type="checkbox"/> 245 TORT PRODUCT	<input type="checkbox"/> 446 AMERICANS WITH				
LIABILITY	DISABILITIES -OTHER				
<input type="checkbox"/> 290 ALL OTHER	<input type="checkbox"/> 448 EDUCATION				
REAL PROPERTY					

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: ☒ YES ☐ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☐ 1 Original Proceeding
 ☒ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation (Transferred)
 ☐ 7 Appeal to District Judge from Magistrate Judge
 ☐ 8 Multidistrict Litigation (Direct File)
- ☐ a. all parties represented
☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☐ 3 FEDERAL QUESTION
 ☒ 4 DIVERSITY
- (U.S. NOT A PARTY)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [x] 1 [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] 5 [x] 5
CITIZEN OF ANOTHER STATE	[] 2 [] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Daniel C. Burke, Esq.
 Bernstein Liebhard, LLP
 10 East 40th Street
 New York, NY 10016
 New York County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Timothy J. McHugh, Esq.
 Lavin, Cedrone, Graver, Boyd & DiSipio
 420 Lexington Avenue, Suite 335
 New York, NY 10170
 New York County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN

DATE 11/12/2019 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT # /s/Timothy J. McHugh

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

[x] YES (DATE ADMITTED Mo. _____ Yr. _____)

Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)